

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00002

TROY DAVID JARRELL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 18, 2013, the United States of America appeared by Philip H. Wright, Assistant United States Attorney, and the defendant, Troy David Jarrell, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a three-year term of supervised release in this action on May 1, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on October 24, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state and local crimes of operating a motor vehicle without a valid driver's license on August 24, 2013, and driving under the influence, driving on suspended or revoked license and failure to maintain control of the vehicle on September 10, 2013, as evidenced by his admission on the record of the hearing that the government possesses sufficient evidence to prove the offenses by a preponderance of the evidence; (2) the defendant used and possessed controlled substances without a valid prescription as evidenced by positive urine specimens submitted by him on May 17, 2013, for buprenorphine; on June 10, 2013, for benzodiazepines; and July 25, 2013, for cocaine and hydrocodone, and his admission on the record of the hearing; and (3) the defendant failed to notify the probation officer within seventy-two hours of the contacts with law enforcement on August 24 and September 10, 2013, set forth above, as evidenced by his admission on the record of the hearing; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

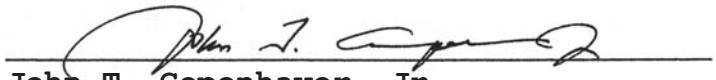
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWO AND ONE-HALF (2½) MONTHS, to be followed by a term of thirty-three (33) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special conditions that he (1) spend a period of six (6)

months in a community confinement center, preferably Dismas Charities, and follow the rules and regulations of the facility, (2) participate in intensive outpatient counseling at Pyramid two times per week, including the six-week aftercare program, and (3) abstain from the use of alcohol. If feasible, the defendant shall report directly from his place of incarceration to the community confinement center with transportation to be provided by his girlfriend, Gwendolyn Smith.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 3, 2013


John T. Copenhaver, Jr.
United States District Judge